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SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

ORDINANCE NO. 01-07

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY, ANNEXING APPROXIMATELY 98.86 ACRES OF LAND ADJACENT TO THE CITY LIMITS. (HENRY E. POGUE, IV, AND BETTY M. POGUE, THE FAMILY TRUST.

WHEREAS, the owner of record of the unincorporated territory described below would like to have annexed to the incorporated area of the City of Richmond, Kentucky approximately 98.86 acres of land adjacent to the City limits, and

WHEREAS, Henry E. Pogue, IV, and Betty M. Pogue, the Pogue Family Trust the sole owners of the land being proposed for annexation has by letter dated August 25, 2000 applied for voluntary annexation and requested their property be zoned Agriculture, and

WHEREAS, it is the intent of the Richmond City Board of Commissioners to annex this land described below as per annexation procedures established by Ordinance No. 96-17, adopted February 20, 1996.

TRACT #1: Lying and being in Madison County, Kentucky, near White's Station and on the waters of Silver Creek, and bounded and described as follows: Beginning at a stake on the west side of the railroad, a corner to J.R. Maupin, thence with his line N 69 W 38 poles to a stake on O.C. McWilliams line, thence with his line S 23-1/2 W 33 poles to a stake, said McWilliams corner, thence still with his line N 66 W 21 poles to a stone, a corner to the Clay Maupin 24 acre tract, thence with line of same S 23 W 33 poles to a stake, corner to Thos Lee Maupin's 16 acre tract, thence with the said Maupin's line S 66 E 70 poles to a stone on the side of a ditch on west side of the railroad right-of-way, thence with said railroad line N 12 E 40 poles, N 17 E 14 poles, N 20 E 14 poles to the beginning, containing 21-1/2 acres, more or less."

TRACT #2: That certain tract or parcel of land situated in Madison County, Kentucky and on the Waters of Silver Creek, and bounded and described by survey as follows: Beginning at a point in the center of the Menelaus Pike, a corner to land owned by Harry Morgan and by the Nep Jenkins Estate at time of survey, thence the Jenkins line, S 61 3/4 E. 0.54 chains to a post on the east side of the Menelaus Pike and the west side of the old Elliott's Ford road (abandoned) a corner to Jenkins, thence leaving the pike with the west side of the Elliott's Ford road, the line of the Nep Jenkins Estate land, N 2 3/4 W passing the corner of Nep Jenkins and John Jenkins at 5.58 chains the corner to John Jenkins and land owned by Robert Duerson and Mrs. John Twigg jointly at 13.07 chains and continuing the same course, in all 26.43 chains to a post in line of Cecil Dunn, thence Dunn's line N 84 3/4 W 6.00 chains to a post, N 83 1/2 W crossing a small branch 0.97 chains to a large split Hackberry, N 86 1/4 W 10.86 chains to a spike in the center of the Menelaus Pike, a corner to Dunn and in line of the Twigg (now Hutchinson) land west of the pike, thence with the center of the pike, the line of the Twigg land west of the pike, S 31 3/8 E 4.11 chains S 47 3/4 3.57 chains S 28 E 12.22 chains S 34 1/2 E 7.89 chains S 40 1/4 E 5.83 chains to the beginning, containing twenty four and 94/1000 (24.94) acres.

Tract No. 1 and Tract No. 2 are the whole of the same property conveyed to Betty Lee Hlad, aka Betty Hlad Pogue by deed dated September 26, 1970 and recorded in Deed Book 420, Page 51 of the Deed records of Madison County.

TRACT #3: The following property located, situated and being in Madison County, Kentucky, and bounded and described as follows:

On the waters of Silver Creek and bounded on the north by the lands of the Lee White and Robert Duerson, on the East by Lee White and the L & N Railroad, on the south by John McWilliams, on the West by Arthur Jenkins and John Jenkins and containing about 22 acres.

THERE IS EXCLUDED from the above the following tract conveyed to Louisville and Nashville Railroad Company by Robert Cochran and Mattie Cochran, his wife, by deed dated the 5th day of January, 1925, being duly recorded in Deed Book 100, at page 145, in the office aforesaid, and described as follows:

A parcel of land adjoining Southwest Right of Way Line of the double main track of Grantee's Kentucky Division, described as follows: Beginning at Construction Station 6706+00.4 in the center line of Grantee's double main track; thence South 57° 34' West, ninety-seven and eight tenths (97.8) feet to a point in Grantee's Southwest Right of Way Line, said point being also in the property line between the lands of Grantors and the lands of Mary Lee White. Thence with Grantee's present Right of Way Line as follows: Southeastwardly, one hundred eighteen and two tenths (118.2) feet in a line parallel to center line of Grantee's double main track, and distant therefrom, southwestwardly, ninety-two and five tenths (92.5) feet, measured along a radial line of the curve of said center line, thence North 76° 21' East, eighteen and five (18.5) feet to a point. Thence, leaving Right of Way Line in a line parallel with the center line of Grantee's double main track and distant therefrom, seventy-five (75) feet measured along a radial line of the curve of said center line southeastwardly, five hundred ninety-five and seven tenths (597.7) feet to a point. Thence North 79° 31' East, seventeen (17) feet to a point. Thence, in a line parallel with center line of Grantee's double main track and distant therefrom fifty-eight (58) feet, measured along a radial line of the curve of said center line, southeastwardly, one hundred forty-eight and one tenth (148.1) feet to a point. Thence North 81° 17 ½' East, fifty-eight (58) feet to construction Station 6715+00 in the center line of Grantee's double main track. Thence, with center line of said track, Northwestwardly, eight hundred ninety-nine and six tenths (899.6) feet to the point of beginning, containing an area of 0.26 acres, more or less, exclusive of the land already owned by Grantee.

The deed intends to, and does, convey said above described right of way where same is now located on said land, or as same may hereafter be located. There is also hereby conveyed such additional land as may be necessary to cover and protect the slopes of cuts, fills or slides which may be made in or result from the construction and maintenance of the railroad to be constructed on the strip of land above described and also the

necessary land for changing the location of roadways or streams or for ditches, waste banks or borrow pits for construction of said railroad.

THERE IS EXCLUDED from the above-described Tract 3 the following tract conveyed to Louisville and Nashville Railroad Company by Robert Cochran and Mattie Cochran, his wife, by deed dated September 12, 1923, recorded in Deed Book 98, at page 142, in the office aforesaid, and described as follows:

PARCEL #1 – Beginning at a point in Grantee's present West Right of Way Line said point being distant forty-seven and three tenths (47.3) feet measured along a line North 75° 30' West from Location Station 6728+92.5 in the centerline of Grantee's proposed new double main track, said point being also in the property line between the lands of Grantors and the lands of Lucy Cochran; thence with said property line North 75° 30' West, forty-eight and fourth tenths (48.4) feet to a point; thence leaving property line in a line parallel with center line of proposed new double main track and distance therefrom ninety (90) feet measured along a radial line of the curve of said center line, Northerly, one hundred seventy-eight and eight tenths (178.8) feet to a point; thence South 84° 30' East, forty-four and five tenths (44.5) feet to a point in Grantee's present West Right of Way Line, said point being distant forty-five and four tenths (45.4) feet measured along a line North 84° 30' west from location station 6727+00 in the center line of proposed new double main track; thence with Grantee's present West Right of Way Line, Southerly, one hundred eighty-five and five tenths (185.5) feet, more or less to the point of beginning, containing an area of .19 of an acre, more or less.

PARCEL #2 – Beginning at a point in Grantee's present west right of way line, distant thirty-one and two tenths (31.2) feet measured along a line South 57° 34' West from Location Station 6706+00.4 in the center line of proposed new double Main Track; thence with Grantee's present west Right of Way Line, southeasterly seven hundred thirty-eight and nine tenths (738.9) feet to a point, thence leaving Right of Way Line, South 79° 31' West, twenty and two tenths (20.2) feet to a point thence in a line parallel with the center line of proposed new double main track and distant therefrom sixty (6) feet measured at right angles where said center line is on tangent and along a radial line of the curve where same is on a curve five hundred ninety-six and six tenths (596.6) feet to a point at right angles to Location Station 6707+50 in the center line of proposed new double main track thence at right angles to said center line, South 76° 21' west, thirty-two and five tenths (32.5) feet to a point; thence in a line parallel with the center line of proposed new double main track and distant at right angles ninety-two and five tenths (92.5) feet therefrom North 13° 39' West one hundred eighteen and two tenths said right of way line, North 57° 34' East, sixty-six and six tenths (66.6) feet to the point of beginning, containing an area of .53 of an acre, more or less.

TRACT #2 – Being Division 3 of the O.C. McWilliams lands, and described as follows:

A certain tract of land situated in Madison County, Ky. On the waters of Silver Creek bounded and described as follows, to-wit: Beginning at a large corner post in line of Jack Twigg a corner to John Jenkins thence with his line S 86 ¾ E 17.56 chains to a stake a

corner to division No. 4 allotted to Mrs. Lucy M. Duerson thence a new line with same N 4 W 13.19 chains to a stake in line of Theodore Dunn thence with line to him N 86 W 17.56 chains to a corner post in same corner to Jack Twigg thence with line to Twigg S 3 7/8 E 13.43 chains to the beginning containing twenty three acres and eighteen hundredths 23.18 acres by survey made on November 18 and 19, 1914.

A twenty foot passway is reserved from the above-described tract for the benefit of owners of Tract 4 of the O.C. McWilliams Division of Land.

TRACT #5 – Being Division No. 4 of the O.C. McWilliams lands, and described as follows:

A certain tract of land situated in Madison County, Kentucky, on the waters of Silver Creek bounded and described as follows, to-wit: Beginning at a stake in John Jenkins line a corner to Division No. 3 allotted to Mrs. John Twigg thence with Jenkins line S 86 3/4 E 7.26 chs to a stake in rail fence a corner to Robert Cochran's line thence with him as now fenced N 26 3/4 E 1.19 chains N 54 1/8 E 2.20 chains N 66 E 2.96 chains N 62 E 4.50 chains to a point in the center of Silver Creek thence down the creek N 3 3/4 E 6.25 chains to a point in the center N 86 1/4 W 75 links to a point on the west bank, thence down the west bank N 7 1/4 W 2.25 chains N 31 W 12.25 chains N 3 W 5.18 chains to a point on top of bluff a corner to Theodore Dunn thence with lines to him as fenced, S 33 1/4 W 5.00 chains S 10 1/4 W 6.31 chains, S 4 2/8 W 3.22 chains S 4 3/8 W 44 chains, S 13 1/2 W 2.66 chains to a Hackberry N 86 W 5.17 chains to a stake a corner to Division No. 3 allotted to Mrs. John Twigg thence new line to same S 4 E 13.19 chains to the beginning containing twenty eight acres and seventy four hundredths 28.74 acres by survey made on November 18 and 19, 1924.

There is also conveyed the right of passway twenty feet in width over Division 3 allotted to Mrs. John Twigg along the lines between said Division No. 3 and the land of John Jenkins to the existing roadway between John Jenkins and W. John Twigg.

This is the same property conveyed to Millard F. Maupin by deed dated August 15, 1990, from Paul E. Fagan, Master Commissioner, and recorded in Deed Book 409 at Page 89 in the office of the Madison County Court Clerk. Millard F. Maupin died testate on November 4, 1991, and the above described property was devised to Grantor, Betty Maupin Pogue, by the Last Will and Testament of Millard F. Maupin of record in Will Book 34 at Page 33, Madison County Court Clerk's Office.

WHEREAS, the proposed annexation meets the requirements of KRS 81A.410, and the owner of record of such land has consented in writing to the annexation pursuant to KRS 81A.412, and

WHEREAS, it is declared pursuant to KRS 81A.420 that it is desirable to annex this unincorporated territory and the Richmond Planning and Zoning Commission has conducted a Public Hearing pursuant to KRS 100.209 for its recommendation as to zone classifications and any zoning map amendments.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Richmond that:

SECTION I

The unincorporated territory described above being adjacent and contiguous to the corporate limits of the City of Richmond, Kentucky, is hereby annexed into the boundaries of the City of Richmond.

SECTION II

The Richmond Planning and Zoning Commission has conducted a Public Hearing pursuant to KRS 100.209 on March 28th, 2001 and recommended as to the zoning classifications of subject property be AG (agricultural).

SECTION III

The City Clerk shall cause this Ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

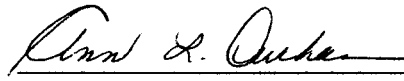
DATE OF FIRST READING: April 2, 2001

DATE OF SECOND READING: April 23, 2001

MOTION BY: Commissioner Jones

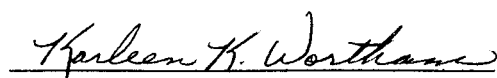
SECONDED BY: Commissioner Strong

VOTE:	YES	NO
Commissioner Brewer	x	
Commissioner Hacker	x	
Commissioner Jones	x	
Commissioner Strong	x	
Mayor Durham	x	



Mayor

Attest:



City Clerk

